



04-20-05 office petition DFC

## SPECIAL PROCEDURES SUBMISSION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Docket No: Temp2  
Leonard Reiffel )  
Serial No.: 10/018,713 ) Examiner: Winakur, Eric Frank  
Filed: December 12, 2001 ) Art Unit: 3731  
For: Thermometer Implants )  
Date: April 19, 2005 )

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P.O. Box 1450  
Alexandria, VA 22131-1450

### PETITION TO WITHDRAW AN APPLICATION FROM ISSUE UNDER 37 CFR 1.313(C)

Dear Sir:

Enclosed is a check in the amount of \$130.00 for the petition for withdrawal from issue.

The undersigned attorney petitions the Director to withdraw the subject application from issuance even though the issue fee has been paid. Applicant has good and sufficient reasons why withdrawal is necessary because of the unpatentability of one or more claims.

An inadvertent typographical error occurred in the last amendments that changed certain claims from dependent to independent form and these amendments rendered at least one claim to be unpatentable. More specifically, claims 4, 6 and 8 includes the superfluous phrase "the thermometer implant", which makes the meaning of at least one of these claims unpatentable under 35 USC §112.

*Please Enter 5/28/05*  
The proposed Amendments begin on page 2 of this document.

The Remarks begin on page 7 of this document.

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1-2 (Canceled)

3. (Previously Presented) Thermometer implants comprising a thermometer body, the thermometer body enclosing a channel and a bulb, the channel being terminated by the bulb at an end, the channel and the bulb containing a fluid, the fluid expanding and contracting along the channel to a fluid length which is functionally related to a target temperature of the bulb at a target time, the thermometer body being adapted to be located in a subject body from where the fluid length is not visible at the target time, and thermometer body properties and fluid properties together making possible measurement of the fluid length outside of the subject body, the thermometer implant further comprising a sequent thermometer body, the sequent thermometer body enclosing a sequent channel and a sequent bulb, the sequent channel being terminated at an end by the sequent bulb, the sequent bulb and the sequent channel containing a sequent fluid, the sequent fluid expanding and contracting along the sequent channel to a sequent thermometer fluid length which is functionally related to a sequent target temperature of the sequent bulb at a sequent target time, the sequent thermometer body being adapted to be located in the subject body from where the sequent fluid is not visible at the sequent target time, and sequent thermometer body properties and sequent fluid properties together making possible measurement of the fluid length outside of the subject body.

4. (Currently Amended) Thermometer implants comprising a thermometer body, the thermometer body enclosing a channel and a bulb, the channel being terminated by the bulb at an end, the channel and the bulb containing a fluid, the fluid expanding and contracting along